



**MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, APRIL 28, 2025**

PRESENT: Mayor Les Smith
Mayor Pro Tem Jean Moore
Councilman Bill Garnos
Councilmember Tina Spallo
Councilman Spencer Davis

City Manager Bob Baer
Assistant City Manager Austin Greer
City Attorney Chris Williams
City Clerk Kris Keller

Item No. 1. On the Agenda. Meeting Called to Order.

Mayor Smith opened the Regular City Council Meeting Monday, April 28, 2025 at 7:30 pm.

Item No. 2. On the Agenda. Roll Call.

Mayor Smith stated that all Councilmembers were present and there was a quorum.

Item No. 3. On the Agenda. Pledge of Allegiance to the Flag of the United States of America.

Mayor Smith requested that all attendees stand and join in the Pledge of Allegiance to the Flag of the United States of America, and expressed appreciation to the VFW Color Guard for their participation. Carla Gleaton, Jim Cox, and Gordon Harris.

Item No. 4. On the Agenda. Approval of the Agenda.

The agenda was approved as published.

Item No. 5. On the Agenda. Approval of the April 14, 2025, Closed City Council Meeting Minutes.

Mayor Pro Tem Moore moved to approve the minutes of the April 14, 2025, Closed City Council meeting as presented. **Councilman Davis** seconded. The Vote: "aye", Councilman Davis, Councilmember Spallo, Councilman Garnos, Mayor Pro Tem Moore, and Mayor Smith. (5-0)

Item No. 6. On the Agenda. Approval of the April 14, 2025, Regular City Council Meeting Minutes.

Mayor Pro Tem Moore moved to approve the minutes of the April 14, 2025, Regular City Council meeting as presented. **Councilman Davis** seconded. The Vote: "aye", Councilman Davis, Councilmember Spallo, Councilman Garnos, Mayor Pro Tem Moore, and Mayor Smith. (5-0)

Item No. 7. On the Agenda. Communications from the Audience.

Mayor Smith explained that it is not standard practice to allow comments on items listed on the Agenda; however, due to the unique circumstances surrounding the election, an exception was being made. Each member of the audience would be allowed up to five minutes to speak on Item No. 12. He first asked if anyone wished to speak about matters not on the Agenda, but no one responded. He then moved on to Item No. 12, asking if anyone wished to speak, and invited them to the podium.

Molly Gibson, 7212 N. Highland Avenue, addressed the Council and acknowledged the gravity of the Council's responsibilities and emphasized respect for the City's laws and procedures. She expressed gratitude for the opportunity to address both the Council and the community. She reported receiving the highest number of votes in the recent City Council election, reflecting community trust and the desire for positive change. She added that she would bring a fresh perspective, work collaboratively, and highlighted the deep personal connection and investment that she and her family have to Gladstone. She asked Council to honor the voice of the voters by seating her, so she could fulfill the responsibilities she was elected to carry out.

Cody McElroy, 202 NE 74th Terrace, addressed the Council, noting his experience running in several elections and acknowledging the challenging position the Council is in. He expressed hope that the Council would find a way to honor the will of the 905 voters who supported the election winner, Molly Gibson.

Sidney Billstein, 1418 NE 69th Terrace, addressed the Council and expressed the importance of attending the meeting, stating that she voted for Molly Gibson and knows many others who did as well. She voiced concerns about the state of democracy in the country and city, urging the Council to uphold democratic values and listen to citizens who voted for Molly, a representative that they can relate to.

Sarah Patton, 3913 NE 59th Street, addressed the Council, requesting that they appoint Molly Gibson, the candidate who received the most votes and was duly elected.

Erin Sameck, 1131 South Liberty Drive, Liberty, Missouri, addressed the Council and clarified that although she doesn't live in Gladstone and could not vote, she owns a business in Gladstone. She expressed her concerns about the democratic process and shared a timeline of the events. She reported that Molly's taxes were paid as soon as she became aware of them and was back in Gladstone which was before the election was certified. She expressed her confusion as to why there was someone sitting in a seat that the City declared as vacant and emphasized that if someone is appointed, it should be filled by the candidate who won, not the one who did not.

Mayor Smith stated that the Council's intention was to allow the public to address the matter, after which, the City Attorney would present all relevant facts and provide clarification before the Ordinance was read.

Sandy Hudson, 2622 NE 74th Street, addressed the Council and expressed concerns that a portion of democracy may be lost in this situation. She acknowledged the existence of rules, but urged Council to consider appointing Molly, who won the election, when they make their decision.

Mayor Smith thanked the audience and reiterated that the City Attorney, would explain the process prior to the reading of the Ordinance. He expressed empathy toward Molly Gibson regarding the current situation, but emphasized that the City is obligated to uphold the State Constitution. He noted that the matter did not become Council business until it was placed on the Agenda, and now that it is,

the Council must determine how to proceed. He concluded by expressing his appreciation to those in attendance.

Item No. 8. On the Agenda. Communications from City Council.

Councilman Davis extended heartfelt prayers and expressed condolences for the Kansas City Firefighter/Paramedic Graham Hoffman, who lost his life in the line of duty.

Councilman Garnos also recognized the loss of fallen Firefighter/Paramedic Graham Hoffman. He noted that the Board of Zoning Adjustment and Parks and Recreation Board did not meet last week due to a lack of quorum.

Mayor Pro Tem Moore announced that the National Day of Prayer will be observed on May 1st, with Antioch Baptist Church leading the event on the steps of Gladstone City Hall from 12:15 to 12:45 pm, and encouraged all to attend. She also invited the public to participate in the Glad Green Team's trash pickup event on Saturday, May 3, 2025, from 8:00 to 10:00 am, meeting at Wal-Mart and focusing on 72nd Street north to the City limits. Additionally, she reported attending the ribbon-cutting ceremony with the Mayor for the new downtown Nyx Lounge and encouraged everyone to visit the new addition to the Gladstone community.

Mayor Smith also discussed the new Nyx lounge, describing the atmosphere as quiet, open, and laid-back. He also reported attending the Economic Development Council's State of the City luncheon earlier this month and noted that there are exciting developments occurring both within the Gladstone and in the Northland.

Item No. 9. On the Agenda. Communications from the City Manager.

City Manager Baer expressed heartfelt condolences on behalf of himself and the City staff to the Kansas City Fire Department and the family, following the tragic loss of Graham Hoffman.

Item No. 10. On the Agenda. **CONSENT AGENDA.**

Mayor Smith asked if anyone wished to have any item removed from the Consent Agenda and placed on the Regular Agenda; no requests were made.

Following the Clerk's reading:

Councilmember Spallo moved to approve the Consent Agenda as published. **Councilman Davis** seconded. The Vote: "aye", Councilman Davis, Councilmember Spallo, Councilman Garnos, Mayor Pro Tem Moore, and Mayor Smith. (5-0)

Councilmember Spallo moved to approve **SPECIAL EVENT PERMITS:**

Linden Square: North Kansas City School District End of Year Celebration for employees and their families, Friday, May 9, 2025, 11:00 am to 11:00 pm.

Public Works Facility: Brush Drop-off for Gladstone residents, Friday, May 2, and Saturday, May 3, 2025, 8:00 am to 5:00 pm.

Document Shredding event for Gladstone residents, Saturday, May 17, 2025, 9:00 am to 1:00 pm.

Hobby Hill Park: Dynamics Disc KCMO, LLC, dba Nexus DiscGolf is sponsoring two (2) events: A two (2) round disc golf tournament, Springtime Love Doubles, Saturday, May 17, 2025, 7:00 am

to 6:00 pm and a one (1) round tee times PDGA A-tier disc golf tournament Kasas City Flying Disc Challenge, Saturday, June 7, 2025, 7:00 am to 7:00 pm.

Councilman Davis seconded. The Vote: “aye”, Councilman Davis, Councilmember Spallo, Councilman Garnos, Mayor Pro Tem Moore, and Mayor Smith. (5-0)

Councilmember Spallo moved to approve **MONTHLY FINANCIAL UPDATE MARCH YTD 2025**. **Councilman Davis** seconded. The Vote: “aye”, Councilman Davis, Councilmember Spallo, Councilman Garnos, Mayor Pro Tem Moore, and Mayor Smith. (5-0)

Councilmember Spallo moved to approve **RESOLUTION R-25-22**, A Resolution authorizing the City Manager to execute a time and materials contract with The Deister Company, Incorporated, in the total amount not to exceed \$32,800.00 for the Water Treatment Plant East Primary Basin Bearing Replacement, Project WP2492G. **Councilman Davis** seconded. The Vote: “aye”, Councilman Davis, Councilmember Spallo, Councilman Garnos, Mayor Pro Tem Moore, and Mayor Smith. (5-0)

REGULAR AGENDA.

Item No. 11. On the Agenda. **RESOLUTION R-25-23**, A Resolution authorizing Change Order No. 1 in the amount of \$106,290.00 to the contract with Fleshman Construction, Incorporated, for the Northeast 76th Terrace Storm Drainage and Parking Improvements, Project CP2531.

Mayor Pro Tem Moore moved to approve **RESOLUTION R-25-23**, A Resolution authorizing Change Order No. 1 in the amount of \$106,290.00 to the contract with Fleshman Construction, Incorporated, for the Northeast 76th Terrace Storm Drainage and Parking Improvements, Project CP2531. **Councilmember Spallo** seconded. The Vote: “aye”, Councilman Davis, Councilmember Spallo, Councilman Garnos, Mayor Pro Tem Moore, and Mayor Smith. (5-0)

Item No. 12. On the Agenda. **FIRST READING BILL NO. 25-11**, An Ordinance declaring the results of the Gladstone General Municipal Elections held on Tuesday, April 8, 2025, as certified by the Clay County Board of Election Commissioners; and declaring that no candidate has been elected to the City Council in said election creating a vacancy in the office.

City Attorney, Chris Williams, explained the timeline of events from the Election to the Council meeting. (See attached)

Councilmember Spallo moved **BILL NO. 25-11** be placed on its First Reading. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Davis, Councilmember Spallo, Mayor Pro Tem Moore and Mayor Smith. “Abstain” Councilman Garnos (4-1) The Clerk read the Bill.

Councilmember Spallo moved to accept the First Reading of **BILL NO. 25-11**, waive the rule and place the Bill on its Second and Final Reading. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Davis, Councilmember Spallo, Mayor Pro Tem Moore and Mayor Smith. “Abstain”, Councilman Garnos. (4-1) The Clerk read the Bill.

Councilmember Spallo moved to accept the Second and Final Reading of **BILL NO. 25-11** and enact the Bill as **Ordinance 4.695**. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Davis, Councilmember Spallo, Mayor Pro Tem Moore and Mayor Smith. “Abstain”, Councilman Garnos (4-1)

Roll Call vote: “aye”, Councilman Davis, Councilman Garnos, Councilmember Spallo, Mayor Pro Tem Moore, and Mayor Smith. “Abstain”: Councilman Garnos (4-1) **Mayor Smith** stated **BILL NO.**

25-11 stands enacted as **Ordinance Number 4.695**. **Mayor Smith** announced that Council will develop a process for this situation and that Councilman Garnos will continue serving to maintain continuity in government, as permitted by State statute. He stated that Council will be transparent once a process for selecting a replacement has been established. He noted that there is no specific timeline, as the matter has only recently become a Council issue and there is no statutory deadline.

Item No. 13. On the Agenda. **FIRST READING BILL NO. 25-12**, An Ordinance directing the City Manager to execute a Cooperative Agreement with the North Kansas City School District for providing a School Resource Officer at Antioch Middle School.

Councilman Davis moved **BILL NO. 25-12** be placed on its First Reading. **Councilman Garnos** seconded. The Vote: “aye”, Councilman Davis, Councilmember Spallo, Councilman Garnos, Mayor Pro Tem Moore, and Mayor Smith. (5-0) The Clerk read the Bill.

Councilman Davis moved to accept the First Reading of **BILL NO. 25-12**, waive the rule and place the Bill on its Second and Final Reading. **Councilman Garnos** seconded. The Vote: “aye”, Councilman Davis, Councilmember Spallo, Councilman Garnos, Mayor Pro Tem Moore, and Mayor Smith. (5-0) The Clerk read the Bill.

Councilman Davis moved to accept the Second and Final Reading of **BILL NO. 25-12** and enact the Bill as **Ordinance 4.696**. **Councilman Garnos** seconded. The Vote: “aye”, Councilman Davis, Councilmember Spallo, Councilman Garnos, Mayor Pro Tem Moore, and Mayor Smith. (5-0)

Roll Call vote: “aye”, Councilman Davis, Councilmember Spallo, Councilman Garnos, Mayor Pro Tem Moore, and Mayor Smith. (5-0) **Mayor Smith** stated **BILL NO. 25-12** stands enacted as **Ordinance Number 4.696**.

Item No. 14. On the Agenda. **PUBLIC HEARING:** Re-Zone for property located at 6880 and 6900 North Oak Trafficway totaling 8.83 acres.

Mayor Smith explained the process of the Public Hearing and opened it at 8:03 pm.

Assistant City Manager Greer addressed the Council and reported that City staff was proposing the rezoning 8.83 acres of City-owned downtown property to Commercial C3 to enhance marketability and attract large-scale commercial development. He added that the proposed rezoning aligns with the City’s Comprehensive Plan for fostering economic growth and downtown revitalization. He noted that the proposed rezoning supports diverse uses such as indoor and outdoor entertainment, hospitality, retail, medical, and restaurants as supported by recent community surveys. He stated that the Planning Commission unanimously supports and approved the rezoning with a vote of 11–0. He added that the C3 designation builds on the City’s recent redevelopment successes, including The Heights at Linden Square, Northland Innovation Center, and the Fairfield Inn and Suites by Marriott, by enabling larger-scale projects that support economic growth, job creation, increased tax revenue, and higher foot traffic. Lastly, he added this strategic move also supports modern infrastructure and scalability connecting revitalization efforts across North Oak Trafficway and positioning downtown Gladstone as a thriving community hub for high-caliber developers in a competitive regional market.

Mayor Smith opened the floor for public comment in favor or opposition to the rezoning. Hearing no comments, he closed the public hearing at 8:04 pm.

Item No. 15. On the Agenda. **FIRST READING BILL NO 25-13**, An Ordinance approving a Zoning Change for City owned property totaling 8.83 acres generally located at 6880 and 6900 North Oak Trafficway within the City of Gladstone, Missouri.

Councilman Davis moved **BILL NO. 25-13** be placed on its First Reading. **Mayor Pro Tem Moore** seconded. The Vote: "aye", Councilman Davis, Councilmember Spallo, Councilman Garnos, Mayor Pro Tem Moore, and Mayor Smith. (5-0) The Clerk read the Bill.

Councilman Davis moved to accept the First Reading of **BILL NO. 25-13**, waive the rule and place the Bill on its Second and Final Reading. **Mayor Pro Tem Moore** seconded. The Vote: "aye", Councilman Davis, Councilmember Spallo, Councilman Garnos, Mayor Pro Tem Moore, and Mayor Smith. (5-0) The Clerk read the Bill.

Councilman Davis moved to accept the Second and Final Reading of **BILL NO. 25-13** and enact the Bill as **Ordinance 4.697**. **Mayor Pro Tem Moore** seconded. The Vote: "aye", Councilman Davis, Councilmember Spallo, Councilman Garnos, Mayor Pro Tem Moore, and Mayor Smith. (5-0)

Roll Call vote: "aye", Councilman Davis, Councilmember Spallo, Councilman Garnos, Mayor Pro Tem Moore, and Mayor Smith. (5-0) **Mayor Smith** stated **BILL NO. 25-13** stands enacted as **Ordinance Number 4.697**.

Item No. 16. On the Agenda. Other Business.

There was no other business.

Item No. 17. On the Agenda. Adjournment.

Mayor Smith adjourned the April 28, 2025, Regular City Council meeting at 8:07pm.

Respectfully submitted:



Kris Keller, City Clerk

Approved as presented: ☒

Approved as modified: ☐



Mayor Les Smith

Timeline of events from the Election to the Council Meeting - City Attorney Chris Williams

Municipal election was held on April 8 for one council seat

Unofficial results from the Clay County Election Board showed Ms. Gibson as the candidate receiving the most votes

City staff proceeded with drafting an ordinance for the April 14 Council meeting declaring the results of the election and that Ms. Gibson as elected

On April 11, City staff became aware that Ms. Gibson had unpaid City taxes at the time of the April 8 election

- **Section 77.380 of the state statutes states that no person shall be elected to any office who shall at the time be in arrears for any unpaid city taxes (City Code includes this identical requirement)**
- **Case law is clear that “at the time” means prior to when the polls close on election day**
- **Case law in Missouri also makes it clear that the candidate receiving the second most votes is not elected to the office in this situation; instead the office is considered to be vacant**

In light of this, the ordinance for the April 14 Council meeting was revised to reflect this and placed on the agenda for the meeting

- **The ordinance was placed on the agenda because state law says that terms of office of those who are elected begin on the first Monday after the election**
- **However, this has to be balanced with the fact that the City Council cannot declare the results of the election until the election authority (in our case, the Clay County Election Board) has certified the vote totals as final**
- **The City always places an ordinance declaring the results on the agenda for the first Monday meeting after the election in the event the certified results are received from the Election Board prior to the meeting**
- **However, this year the certified results were not received prior to the meeting so at the beginning of the April 14 meeting, the ordinance was removed from the agenda**

Timeline of events from the Election to the Council Meeting - City Attorney Chris Williams

The certified final election results were posted by the Clay County Election Board on April 16 and as a result, the ordinance has been placed on the Council agenda this evening

The ordinance for your consideration tonight sets forth the certified vote totals for the candidates but also notes that due to the candidate receiving the most votes not being in compliance with state law and City Code requirements, the City Council is unable to declare any candidate as elected to the office thereby creating a vacancy in the office

State law provides that vacancies in elected offices shall be filled by the City Council; it does not establish a timeframe or procedure for this; it just says the City Council shall select a successor who shall serve until the next regular election

Until a successor is selected and appointed, the Missouri Constitution states that the previous office holder shall continue to serve (hold over) in office until a successor is appointed or elected

Bottom line – the ordinance before you this evening reflects the application of Missouri law to the facts in this situation

- Legally, the City Council does not have the authority and cannot exercise discretion to deviate from state law that prevents a person from being elected to office if at the time of the election, they are in arrears for any unpaid city taxes**